TATE

## BEFORE

## THE PUBLIC SERVICE COMMISSION OF

## SOUTH CAROLINA

DOCKET NO. 90-287-W/S - ORDER NO. 91-302

APRIL 17, 1991

IN RE: Application of TCU, Inc. for a New Schedule of Water and Sewer Rates and Charges. ORDER
STRIKING
CERTAIN
TESTIMONY

This matter is before the Public Service Commission of South Carolina (the Commission) on the motion of TCU, Inc. (the Applicant) to strike either all or certain portions of the prefiled testimony of Edgar S. Weaver, a witness for the City of Tega Cay. Applicant contends that all of Mr. Weaver's testimony should be striken because it is not based upon his personal knowledge, but upon information gathered from engineers and governmental agencies. Alternatively, Applicant moves to strike three portions of Mr. Weaver's testimony because they include statements based on hearsay.

Upon consideration of the Applicant's motion, the Commission denies the motion to strike all of Mr. Weaver's testimony. In addition to assistance from engineers and other governmental agencies, Mr. Weaver states that his opinion that there is no justification for a major rate increase is "[b]ased on [his] education and business experience." Accordingly, Mr. Weaver's opinion is based, at least in part, on his personal knowledge.

The Commission, however, does find it necessary to strike the three portions of testimony to which Applicant objects. The Commission finds that the question and answer beginning on page 3, the second, third, and fourth sentences to the answer to the first question on page 4, and the fourth and fifth sentences to the answer to the third question on page 4 are based entirely on hearsay. Therefore, the Commission finds that the objection to this testimony should be sustained. It is therefore ordered that the three portions of testimony containing hearsay should be strken from Mr. Weaver's testimony.

BY ORDER OF THE COMMISSION:

Marjonie Mos-Fragier Chairman

ATTEST:

Evecutive Director

(SEAL)